

**ORAL ARGUMENT NOT YET SCHEDULED**  
**No. 23-1091**

---

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

---

**CONSUMERS' RESEARCH, ET AL.,**  
*Petitioners,*

**v.**

**FEDERAL COMMUNICATIONS COMMISSION, ET AL.,**  
*Respondents.*  
**COMPETITIVE CARRIERS ASSOCIATION, ET AL.,**  
*Intervenors.*

---

Petition for Review of an Order of the  
Federal Communications Commission  
FCC-DA-23-216

---

**UNOPPOSED MOTION OF PETITIONERS TO AMEND BRIEFING  
SCHEDULE**

On July 5, 2023, the Court set the briefing schedule for this case, with Petitioners' opening brief due August 14, 2023; Respondents' brief due September 28, 2023; Intervenors' brief due October 5, 2023; Petitioners' reply brief due October 26, 2023; the deferred appendix due November 2, 2023; and final briefs due November 16, 2023.

Petitioners hereby request an extension of time under D.C. Cir. Rule 28(e) to file their reply brief, from October 26, 2023, to November 9, 2023. This would also necessitate moving the deferred appendix deadline from November 2, 2023, to

November 16, 2023; and the final brief deadline from November 16, 2023, to November 30, 2023.

Good cause exists for this modest extension, which is Petitioners' first such request in this case. Respondents had an extended period of time to prepare and file their response brief, and additional time is needed to prepare Petitioners' reply. Further, counsel for Petitioners have several pressing matters over the next two weeks, including a hearing in Florida federal court on October 24 and a petition for a writ of certiorari due at the Supreme Court on October 27. Lead counsel is also out of the country until October 21 on a longstanding, pre-paid trip.

Given these competing deadlines, there is good cause for an extension of the remaining filing deadlines in this matter. The Federal Communications Commission, the United States, and Intervenors all consent to this motion.

Dated: October 16, 2023

Respectfully submitted,

/s/ Jared M. Kelson

Jared M. Kelson

BOYDEN GRAY PLLC

801 17th Street NW, Suite 350

Washington, DC 20006

202-955-0624

jkelson@boydengray.com

*Counsel for Petitioners*

## **CERTIFICATE OF COMPLIANCE**

This Motion complies with Federal Rule of Appellate Procedure 27(d)(2) because it contains 236 words. This Motion also complies with the requirements of Federal Rule of Appellate Procedure 27(d)(1) because it was prepared in 14-point font using a proportionally spaced typeface.

Dated: October 16, 2023

Respectfully submitted,

/s/ Jared M. Kelson

Jared M. Kelson

BOYDEN GRAY PLLC

801 17th Street NW, Suite 350

Washington, DC 20006

202-955-0624

jkelson@boydengray.com

## **CERTIFICATE OF SERVICE**

I certify that on October 16, 2023, I electronically filed the foregoing document with the Clerk of this Court by using the CM/ECF system which will serve all parties automatically.

Dated: October 16, 2023

Respectfully submitted,

/s/ Jared M. Kelson

Jared M. Kelson

BOYDEN GRAY PLLC

801 17th Street NW, Suite 350

Washington, DC 20006

202-955-0624

jkelson@boydengray.com